

FILED



9:33 am, 8/22/23

Margaret Botkins
Clerk of Court

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAWN LEE WADE,

Defendant.

Case No. 18-CR-00162-ABJ-1

ORDER REVOKING SUPERVISED RELEASE
AND COMMITTING DEFENDANT

THIS MATTER having come before the Court for hearing on August 21, 2023, upon a Petition for Warrant for Offender Under Supervision entered August 3, 2023; the plaintiff appearing by Timothy Forwood, Assistant United States Attorney, Cheyenne, Wyoming, and the Defendant appearing in person and by David Weiss, Cheyenne, Wyoming; and the Defendant having admitted violation 3 set forth in the Petition; and the Court having heard the arguments offered in support of and in opposition to the Petition, and being fully advised in the premises;

HEREBY FINDS that the Defendant, SHAWN LEE WADE, has violated conditions of his Supervised Release, and that such violations warrant revocation of said Supervised Release.

NOW, THEREFORE, IT IS ORDERED that the Supervised Release imposed by this Court on February 5, 2019, be, and the same is hereby revoked.

IT IS FURTHER ORDERED that the Defendant, SHAWN LEE WADE, be, and he is hereby, committed to the custody of the United States Marshals to be imprisoned for a term of six (6) months, as arranged by the Bureau of Prisons. The Court recommends to the Bureau of Prisons that the defendant be placed at Englewood, Colorado.

IT IS FURTHER ORDERED that upon release from imprisonment, the Defendant, SHAWN LEE WADE, will be placed back on supervised release for a term of five (5) years. The defendant must comply with all conditions of supervision originally imposed, including all monetary obligations. Furthermore, the special condition which reads:

The defendant shall not possess, send or receive any pornographic, sexually oriented, or sexually stimulating visual, auditory, telephonic, or electronic signals or sounds from any source, unless part of a treatment regimen. Defendant shall not visit bulletin boards, chat rooms or other Internet sites where any pornographic, sexually oriented or sexually stimulating images or messages are discussed. He shall not send or receive e-mail or other documents discussing any pornographic, sexually oriented, or sexually stimulating images or messages.

Shall be removed and replaced with the following:


1. The defendant shall not access, possess, send or receive any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image of sexually explicit conduct as defined in 18U.S.C. § 2256(2)(A)(i)-(v).
2. The defendant shall not search for, access, possess, send, or receive any material constituting or containing child pornography as defined in 18U.S.C. § 2256(8), or any material constituting or containing the obscene visual representation of the sexual abuse of children as defined in 18 U.S.C. § 1466A.
3. The defendant shall not search for, access, possess, send, or receive any visual depiction, including any photograph, film, video, picture, or computer or

computer-generated image of child erotica. Child erotica is depiction of a minor in a sexually suggestive pose or clothing. When considering whether a minor is pictured in a sexually suggestive pose or clothing, the following non-exhaustive list of factors should be considered:

- i. whether the focal point of the visual depiction is on minor's genitalia, pubic area, or breasts;
- ii. whether the setting of the depiction appears to be sexually inviting or suggestive – for example, in a location or in a pose associated with sexual activity;
- iii. whether the minor is depicted in an unnatural pose or in an inappropriate attire;
- iv. whether the minor is fully or partially clothed or nude;
- v. whether the visual depiction appears to convey sexual coyness or an apparent willingness to engage in sexual activity; or
- vi. whether the visual depiction appears to have been designed to elicit a sexual response in the viewer.

IT IS FURTHER ORDERED that violations 1, 2 and 4 are DISMISSED upon motion of the United States.

Dated this 22^d day of August, 2023.



Alan B. Johnson
United States District Judge